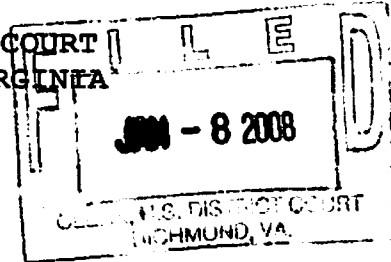


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JEFFREY McCLELLAN,

Plaintiff,

v.

Civil Action No. 3:07CV607

BARBARA BAILEY,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on October 19, 2007, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to complete and return to the Court an in forma pauperis affidavit form. The Court warned Plaintiff that "[f]ailure to complete the affidavit **in its entirety will result in summary dismissal of the action.**" (Oct. 19, 2007 Memo. Order ¶ 2).

The Court received the affidavit from Plaintiff on October 26, 2007. Paragraph 6 on the form directs the Plaintiff to list all of his prior cases that were dismissed as frivolous, malicious or failed to state a claim upon which relief could be granted. Plaintiff did not respond to this directive. Plaintiff did not list any cases in paragraph 6. The Court's records reflect that Plaintiff has at least three actions that were dismissed as frivolous or for failure to state a claim upon which relief could be granted. See e.g., McClellan v. Yates, No. 3:05cv639, (E.D. Va. July 25, 2006); McClellan v. Trent, No. 3:98cv429 (E.D. Va. Dec. 9, 1998); McClellan v. Hicks, No. 3:97cv69 (E.D. Va. Sept. 29, 1997).

Plaintiff's failure to abide by the Court's instructions warrants the summary dismissal of the action. See Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989); see also Sloan v. Lesza, 181 F.3d 857 (7th Cir. 1999). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. Plaintiff is free to refile the action at anytime.

The Clerk is DIRECTED to mail a copy of the Memorandum Opinion to Plaintiff.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: January 8, 2008
Richmond, Virginia